

Request Details

Status : Assignment Determination Due Date : 11/23/2012

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Submitted Evaluation Assignment Processing Closed

Tracking Number : EPA-HQ-2013-000714

Requester : Keisha Sedlacek

Organization : Hall & Associates

Requester Has Account : Yes

Submission Details Case File Admin Cost Assigned Tasks Comments Review

Request Handling

Requester Info **Yes** Request Perfected : Yes
Available to the Public : Perfected Date : 10/24/2012
Request Track : **Simple** Acknowledgement Sent 
Fee Category : **Commercial** Date :
Fee Waiver Requested: No Unusual No
Fee Waiver Status: N/A Circumstances ? :
Expedited Processing No 5 Day Notifications: ☐
Requested : Litigation : **No**
Expedited Processing N/A
Status :

Request Description

Short Description : 

To Whom This May Concern:

Please find attached a Freedom of Information Act (FOIA) request #4 for records associated with EPA's response to the Great Bay Municipal Coalition's scientific misconduct letter. If you have any questions, please do not hesitate to contact this office.

Sincerely, Keisha Sedlacek

Description Available to the Public : **Yes**Has Request Been Modified? ☐

Attached Supporting Files

Attachments Available to the Public : **Yes**

Attached File	Type	Size (KB)
FOIA Request 4.pdf	PDF	204.25

SAVE CHANGES

CANCEL

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October 22, 2012

VIA E-MAIL

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW (2822T)
Washington, D.C. 20460
E-mail: hq.foia@epa.gov

RE: Freedom of Information Act Request for Records Associated with EPA's Response to the Great Bay Municipal Coalition's Scientific Misconduct Letter

To Whom This May Concern:

This is a request for public records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as implemented by the Environmental Protection Agency ("EPA") at 40 C.F.R. Part 2. This request is submitted by Hall & Associates on behalf of the Great Bay Municipal Coalition ("the Coalition"). For purposes of this request, the definition of "records" includes, but is not limited to, documents, letters, memoranda, notes, reports, e-mail messages, policy statements, data, technical evaluations or analysis, and studies.

Background:

On May 4, 2012, the Coalition submitted a letter to EPA Administrator Lisa Jackson and Inspector General Arthur A. Elkins, Jr. requesting (1) the review of Great Bay water quality criteria compliance and permitting be withdrawn from EPA Region I and transferred to an independent panel of experts who can assess the scientific basis of the Region's position and (2) the Region's actions leading to this request be investigated by the Office of Inspector General. The May 4, 2012, letter outlined, in detail, why EPA Region I's stance on imposing stringent TN limitations is based on the improper use of data and analyses to support a desired outcome and is not grounded in sound science. Additionally, the letter described how EPA has refused to allow an open peer review with public involvement in the process. Related to this request, the Coalition has met with EPA and submitted supplemental information to Ellen Gilinsky, Senior Policy Advisor, EPA's Office of Water on this issue.

On September 27, 2012, Nancy Stoner, EPA's Acting Assistant Administrator, responded to the Coalition stating EPA "has not seen any evidence that Region I engaged in scientific misconduct." The letter does not offer any explanation that indicates specific allegations raised by the Coalition were actually in error or false. This FOIA request seeks any such information regarding specific allegations.

Request:

As part of the Coalition's submissions to EPA, the following statement and supporting documentation were provided:

The documentation provided to the peer reviewers excluded the numerous prior analyses and data evaluations (most of which were developed by DES and presented to EPA) that confirmed (1) nitrogen had not caused excessive plant growth in the system; (2) system transparency had never changed during the period of apparent eelgrass decline; (3) color and turbidity, not nutrients, controlled system transparency; (4) the causes of changing of eelgrass populations were unknown; and (5) Great Bay was not a "transparency-limited" system. (See Mr. Trowbridge's PowerPoint presentations from June 15, 2006; February 14, 2007; November 8, 2007; and March 25, 2008, previously submitted to EPA Headquarters.).

Please provide us with all records or factual analyses that show this statement is incorrect.

Please contact the undersigned if the associated search and duplication costs are anticipated to exceed \$250.00. Please duplicate the records that are responsible to this request and send them to the undersigned at the above address. If any requested records are withheld based upon any asserted privilege, please identify the basis for the non-disclosure. Moreover, to the extent EPA asserts that a document, or portions thereof, is privileged, the Agency is still responsible for producing the non-privileged portions of that document. If you have any questions regarding this request, please do not hesitate to contact this office so as to ensure that agency resources are conserved and only the necessary documents are reproduced.

Sincerely,

/s/ John C. Hall

JOHN C. HALL

Cc: Great Bay Municipal Coalition